

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 23210 of 2006(K)

PETITIONER:

K.KAMALAMMA,
MAMISSERIL VEEDU, PUTHUPALLY NORTH,
PUTHUPALLY, ALAPPUZHA DISTRICT.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:

1. THE KANDALLOOR FARMERS SERVICE
CO-OPERATIVE BANK LTD. NO.1410,
KANDALLOR P.O., ALAPPUZHA, REPRESENTED BY
ITS PRESIDENT.
2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), HARIPPAD.

*ADDL.R3. S. DEVARAJAN (FORMER MANAGING DIRECTOR)
NADASSERIL VEEDU, KANDALLUR SOUTH.
KAYAMKULAM, ALLEPPEY

*(IMPLEADED AS ADDL. RESPONENT NO.3 AS PER ORDER DATED 13.9.06 IN
I.A.12790/06.)

BY ADV. SRI.R.GOPAN
SRI.G.D.PANICKER
SMT.JEENA JOSEPH
SR. GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1: TRUE COPY OF THE RESOLUTION NO.53 OF THE FIRST RESPONDENT BANK DATED 16.5.03.
- EXT.P2: TRUE COPY OF THE RESOLUTION NO.77 OF THE FIRST RESPONDENT BANK DATED 26.5.04.
- EXT.P3; TRUE COPY OF THE RESOLUTION NO.390 OF THE BOARD OF DIRECTORS OF THE FIRST RESPONDENT BANK DATED 25.1.05.
- EXT.P4: TRUE COPY OF THE ORDER NO.212/06 OF THE SECOND RESPONDENT DATED 25.1.05.

RESPONDENTS' EXHIBITS

- EXT.R3(A) TRUE COPY OF THE ORDER DATED 11.6.03 IN I.A.7/03 IN ARC 50/03.
- EXT.R3(B): TRUE COPY OF THE ORDER DATED 29.6.04 FROM JOINT REGISTRAR (GENERAL) ALAPPUZHA.
- EXT.R3(C): TRUE COPY OF THE JUDGMENT DATED 26.10.05 IN W.P.(C)22996/04.
- EXT.R3(D): TRUE COPY OF THE GOVT. ORDER NO. G.O.(RT)NO.43/2006/CO-OP DATED 28.1.06.
- EXT.R3(E): TRUE COPY OF AN EXTRACT OF BYE-LAW NO.28 OF THE KANDALLOOR FARMERS CO-OPERATIVE BANK LTD./1410.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.23210 OF 2006

DATED THIS THE 28th DAY OF FEBRUARY, 2007

JUDGMENT

The petitioner while working as the Chief Accountant of the first respondent bank was appointed as the Managing Director of the bank in the place of the additional third respondent, who had been reverted as Junior clerk punishment imposed pursuant to disciplinary proceedings. The Bank forwarded the proposal for approval of the pay fixation of the petitioner as Managing Director to the 2nd respondent Assistant Registrar. The same was rejected by the Assistant Registrar of Co-operative Societies by Ext.P4 order on the ground that the suspension of the additional third respondent is against the bye-laws and also on the ground that an arbitration case filed by the additional third respondent against the disciplinary action is pending as A.R.C.50/03 before the Arbitration Court.

2. When the matter was taken up for hearing today, learned Government Pleader on written instructions received by him submitted that the Assistant Registrar- the second respondent has no objection in approving the scale of pay of the petitioner as Managing Director appointed in the place of the additional third respondent. Ofcourse,

the additional third respondent would vehemently contend that since the arbitration Court has already heard the arbitration case, no orders shall be passed now. I do not think that for disposal of this writ petition, it is necessary to wait till the arbitration case is disposed of. Even if the arbitration case is disposed of in favour of the additional third respondent, the petitioner would certainly be entitled to the salary for the work done by her as the Managing Director. That being so, the result of the Arbitration case has no bearing on the issue of approval of the scale of pay of the petitioner.

3. In the above circumstances, there would be a direction to the second respondent to approve the scale of the pay of the petitioner as Managing Director of the 1st respondent Bank give necessary sanction for disbursal of the salary to the petitioner in the scale of pay applicable to the Managing Director within one week from the date of receipt of a copy of this judgment.

Writ petition is allowed as above.

S. SIRI JAGAN, JUDGE

Acd

S. SIRI JAGAN, JUDGE

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